



## RAVALLI COUNTY ATTORNEY

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### Memorandum

**TO:** Ravalli County Commissioners  
**CC:** Glenda Wiles/Karen Mahar  
**FROM:** George Corn *GC*  
**DATE:** October 17, 2008  
**RE:** Hawthorne Lane/George Korson Road matter



I have reviewed the documents in the above matter. I have noted my suggested changes for the "Affidavit – Public Road Easement" and for the "Resolution" by either handwritten notes or bold print in the documents. The remaining documents are fine.

I will consider this project completed unless you have additional questions.

GHC:hs

Enclosures: as stated

When recorded, return to:  
George W. Korson  
941 B Ave.  
Coronado, CA 92118-2605

### AFFIDAVIT – PUBLIC ROAD EASEMENT

Whereas I, George W. Korson, am the owner of Lot 2A, Amended Plat No. 586594 (Paradise Heights No. 2, Block 5);

Whereas I have submitted to Ravalli County, Montana a "Petition to Vacate Part of a Subdivision Plat to Discontinue a Public Road" dated February 15, 2008;

Whereas Ravalli County desires a 60-foot wide easement for a public road (privately maintained) and 50-foot radius easement for a turn-around area on said Lot 2a;

Whereas the original plat of Paradise Heights No. 2, Block 5, shows a 20-foot wide strip along the east line of said Lot 2A, said strip being apparently intended for use as a public road;

Whereas the aforementioned "Petition" includes the vacation and abandonment of said 20-foot strip;

Whereas a portion of said 20-foot strip is included within the area of the aforementioned desired public road easement;

Whereas I cannot grant to Ravalli County an easement over any portion of the 20-foot wide strip until said strip has been formally vacated and abandoned by Ravalli County, thus passing into my ownership by law;

Whereas I have prepared an Easement Document and exhibit for a public road as described herein, said document being attached and incorporated by reference hereto;

Therefore, I, George W. Korson, hereby declare and affirm that upon the granting of the aforementioned "Petition", I shall execute and cause to be recorded the attached Public Road Easement within a period of 30 days, and further construct the aforementioned turn-around area in conformance with accepted road standards. The final location of the turn-around easement may be modified to encompass the improved turn-around area as constructed.

*Ravalli County*  
I agree to do this by \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
George W. Korson

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

This instrument was acknowledged before me on \_\_\_\_\_, 2008, by  
George W. Korson.

ss \_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_



## **RESOLUTION NO. 2271**

### **Vacation of Unnamed 20-foot Public Easement Paradise Heights No 2, Block 5, A.P. 586594 Lots 1A – 3A**

**WHEREAS**, a petition in proper form was filed with the BOARD OF COUNTY COMMISSIONERS of Ravalli County by George W. Korson to vacate an unnamed 20-foot easement in Paradise Heights No. 2, Block 5, A.P. 586594 Lots 1A – 3A, located within Section 22, Township 6 North, Range 21 West; and

**WHEREAS**, the 20-foot strip as requested to be vacated runs along the east line of said Lots 2A and 1 A, and the north line of Lots 1A and 3 A; and

**WHEREAS**, following proper published notice, a public hearing was held on April 28, 2008 in order to take comment on the petition to vacate; and

**WHEREAS**, the Viewers Report finds the following information:

- The plat of Paradise heights No. 2, Block 5 (1910) was 'donated to the public use' a 20-foot strip of land along the east line of Lots 16 and 1 and the north line of Lots 1-8.
- The 20-foot strip is bounded by the aforementioned lots on the interior side and the section lines of Section 22 on the exterior side.
- The boundaries of said Lots 1, 2, 3, and 4 were relocated and the lots renamed as Lots 1A, 2A, 3A and 4A as shown on Amended Plat No. 586594.
- George W. Korson is the owner of Lots 1A, 2A, 3A and 4A, Amended Plat no. 586594.
- The 20-foot strip to be vacated now runs along the east line of said Lots 2A and 1A, and the north line of Lots 1A and 3A.
- Hawthorne Lane is a partially improved public road (privately maintained) occupying the platted 20-foot strip along the east line of lot 16, extending from Blodgett Camp Road on the south approximately ¼ mile to its terminus at the southeast corner of Lot 1A.
- The 20-foot strip to be vacated has never been improved and is not capable of being improved due to terrain restriction.
- There is a system of private roads serving lots 1A, 2A, 3A and 4A as shown on Amended Plat No. 586594. These roads have been improved, and are accessed via Hawthorne Lane.
- One of these private roads is contained within a 60-foot easement beginning along the east line of Lot 2A and Section 22. The easterly 20-feet of the portion of this easement along said east lines is a portion of the total 20-foot strip to be vacated.
- Ravalli County requires a public road easement for emergency vehicle access at the beginning of any private road(s) serving more than one parcel.
- Korson intends to grant Ravalli County a public road (privately maintained) easement 60-feet in width, terminating in a turn-around easement 50-feet in radius. Korson further intends to improve this public road and turn-around to



accommodate a fire truck by \_\_\_\_\_ of \_\_\_\_\_, and is providing an Affidavit declaring both intents, to be executed upon the formal execution of the road vacation. **Vacation of this public easement is expressly conditioned on the performance of the improvements being done by the above date.**

- On April 12<sup>th</sup>, Ron Ehli, Hamilton Fire Chief, Bill McClusky, representative of George Korson, and Surveyor George Marshall met on site to review owner's easement and improvement proposal, which was approved by Chief Ehli; and

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**WHEREAS**, after Commission deliberation and public comment, the Commissioners see no public benefit or need in maintaining this 20- foot public easement and find that vacation can be done without detriment to the public interest;

**THEREFORE BE IT RESOLVED**

**PASSED AND APPROVED THIS 28<sup>TH</sup> DAY OF APRIL, 2008.  
BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Carlotta Grandstaff, Chairman

\_\_\_\_\_  
James E. Rokosch, Member

\_\_\_\_\_  
Alan Thompson, Member

\_\_\_\_\_  
Greg Chilcott, Member

\_\_\_\_\_  
Kathleen Driscoll, Member

\_\_\_\_\_  
Attest: Clerk & Recorder